

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DANIEL KLEEBERG, LISA STEIN, and  
AUDREY HAYS,

Plaintiffs,

v.

LESTER EBER; ALEXBAY, LLC f/k/a  
LESTER EBER, LLC; CANANDAIGUA  
NATIONAL CORPORATION d/b/a  
CANANDAIGUA NATIONAL BANK &  
TRUST; ELLIOT W. GUMAER, JR.;  
EBER BROS. & CO., INC.; EBER BROS.  
WINE AND LIQUOR CORPORATION;  
EBER BROS. WINE & LIQUOR METRO,  
INC.; EBER-CONNECTICUT, LLC; and  
WENDY EBER,

Defendants.

Civil Action No. 16-CV-9517(LAK)

**NOTICE OF MOTION TO  
WITHDRAW PLAINTIFFS' MOTION  
FOR ENTRY OF DEFAULT OR  
OTHER SANCTIONS AGAINST  
CANANDAIGUA NATIONAL BANK**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum, Plaintiffs, Daniel Kleeberg, Lisa Stein, and Audrey Hays, move this Court for an order permitting Plaintiffs to withdraw their August 2, 2017 Motion for Entry of Default, or in the Alternative, to Compel and Impose Sanctions Against Defendant Canandaigua National Bank.

Dated: October 23, 2017

/s Brian C. Brook

Brian C. Brook (BB 1980)  
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and Audrey Hays*